

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-17 are currently pending.

Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of United States Patent No. 7,200,400 B2 to Creamer et al. Applicants have reviewed the pending claims, Creamer and the Office Action and respectfully traverse the rejection. In particular, Applicants respectfully submit that the admitted prior art and Creamer do not disclose the claimed limitations of if a calling party is roaming into a first network, determining by a first network a local gateway of the first network and in proximity to a calling party when a calling party roams into the first network, then sending the bearer traffic by the first network to the local gateway and directly routing the bearer traffic from the local gateway to a second network that is in proximity to a called party. Applicants have previously described the claims and the admitted prior art as well as described the patentability of the claims. Those arguments are incorporated here by reference.

The claims avoid tromboning of bearer traffic in a network of a called party by having the new network, i.e. the claimed first network, of the calling party determine a gateway of the new network that directly routes the bearer traffic to the network of the called party. The claims also avoid tromboning by having the gateway be chosen based on its location relative to the calling party. The claims state that the first network determines “a local gateway of the first network and in proximity to a calling party.” The word “proximity” is used to denote the geographic relationship between the gateway and the calling party.

Creamer is directed to a method of roaming between a mobile network and a wireless network. The method includes receiving, over the wireless network, an invite from a user agent disposed within a mobile communications device. The mobile communications device can be engaged in a call over a voice channel in the mobile network. The method also can include selecting one of a plurality of gateways having an affinity with the user agent, wherein the gateway is configured as an interface between at least one mobile network and the wireless network. The call can be handed off from the

mobile network so that at least a portion of the call is conducted over the wireless network using the selected gateway. See Abstract.

As noted in the Abstract and throughout the Creamer including column 6 line 57 to column 7 line 3 cited in the Office Action, the gateway is chosen by having an “affinity” with the user agent. Creamer defines “affinity” when it states “System 100 can include one or more gateways [E]ach gateway serves as an interface between the Internet 180, the PSTN 155, and a particular mobile network For example, each mobile network can be operated by a particular mobile carrier. Accordingly, each mobile network can be associated with a specific gateway, *for instance one owned or operated by that carrier. As such, each mobile communications device, or subscriber, also is associated with or subscribes to, a particular carrier, and therefore, mobile network. Thus, each mobile communications device can be said to have an **affinity** with a particular gateway.*” Column 4 lines 33-51 (emphasis added.)

In light of the foregoing, Creamer chooses a gateway based on affinity which associates the gateway to the particular network. Thus, the gateway is configured to the specific network based on a compatibility and business relationship. Each network can have a plurality of gateways, one for each different specific network, and the gateway is chosen based on affinity, i.e. the relationship between the gateway and the network. But the claims do not rely on affinity to choose the gateway. The claims determine the gateway based on proximity, i.e. relative geographic location, relative to the user agent. Applicants submit that there is a patentable distinction of choosing a gateway based on proximity rather than the disclosed affinity.

In sum, Applicants respectfully submit that the admitted prior art and Creamer do not disclose the determining the gateway in the first network that routes bearer traffic to second network being based on the proximity to the user agent. In view of the foregoing, it is respectfully submitted that the cited combination of the admitted prior art and Creamer does not disclose, teach or suggest the limitations as required by independent claims 1 and 9. Applicants therefore respectfully submit that amended independent claims 1 and 9 are patentable over the cited combination. As claims 2-8 depend on claim 1 and claims 10-17 depend on claim 9, Applicants submit that these dependent claims are

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patentable for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

As Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
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